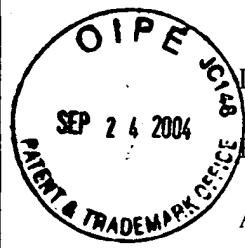


IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re patent application of:

Hochshuler et al.

Application No. 10/804,761

Filed: March 19, 2004

Title: Method and Apparatus for Treating
a Vertebral Body

) MMB Docket No. 1842-0039
)
)
)
)
)
)
)
)
)
)

Examiner: To be assigned

Group Art Unit: 3738

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 21, 2004
(Date of Deposit)

Michael D. Beck

Name of person mailing Document or Fee

Michael D. Beck
Signature of person mailing Document or Fee

September 21, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, Applicants hereby disclose the references listed below and identified on the attached PTO Form 1449, copies of the foreign patents and articles have been enclosed, regarding the above-identified patent application.

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
3,030,951	04/1962	Mandarino
3,875,595	04/1975	Froning
4,772,287	09/1998	Ray et al.
4,904,260	02/1990	Ray et al.
5,047,055	09/1991	Bao et al.
5,108,404	04/1992	Scholten et al.
5,147,359	09/1992	Cozad et al.
5,147,360	09/1992	Dubousset
5,154,718	10/1992	Cozad et al.
5,171,280	12/1992	Baumgartner
5,176,678	05/1993	Tsou
5,176,680	01/1993	Vignaud et al.
5,190,543	03/1993	Shläpfer
5,192,326	03/1993	Bao et al.
5,147,359	09/1992	Cozad et al.
5,147,360	09/1992	Dubousset
5,154,718	10/1992	Cozad et al.
5,176,678	01/1993	Tsou
5,176,680	01/1993	Vignaud et al.
5,190,543	03/1993	Schläpfer
5,207,678	05/1993	Harms et al.
5,261,907	11/1993	Vignaud et al.
5,261,913	11/1993	Marnay
5,275,600	01/1994	Allard et al.
5,282,801	02/1994	Sherman
5,549,679	08/1996	Kuslich
5,556,429	09/1996	Felt
5,716,416	02/1998	Lin
5,827,289	10/1998	Reiley et al.
5,888,220	03/1999	Felt et al.
5,961,554	10/1999	Janson et al.
6,066,154	05/2000	Reiley et al.
6,183,518	02/2001	Ross et al.
6,187,048	02/2001	Milner et al.
6,224,630	05/2001	Bao et al.
6,245,107	06/2001	Ferree
6,248,131	06/2001	Felt et al.
6,306,177	10/2001	Felt et al.
6,383,190	05/2002	Preissman
6,425,919	07/2002	Lambrecht
6,428,576	08/2002	Haldimann
6,443,988	09/2002	Felt et al.
6,482,235	11/2002	Lambrecht et al.
6,508,839	01/2003	Lambrecht et al.
6,592,625	07/2003	Cauthen

U.S. Publication	Date	Inventor
2002/0045942	04/18/2002	Ham
2002/0068974A1	06/2002	Kuslich et al.
2002/0156531	10/2002	Felt et al.
2003/0033017	02/2003	Lotz et al.

Foreign Patent Applications

FR 2 639 823	06.12.1988	France
EP 0 480 954	12.06.1990	Europe
EP 0 621 020	17.03.1994	Europe
FR 2 714 590 A1	07.07.1995	France
WO 01/21246	19.09.2000	PCT

Articles

1. Camille et al., "Experimental Study of the Lumbar Disc Replacement", Supple., Rev. Chir. Orthop., 1978, (3 pages).
2. Bradley, S. and J.C., "The Use of Methylmethacrylate in the Treatment of Giant Cell Tumors of the Proximal Tibia", Aust. N.Z. Surg. Vol. 49, No. 1, February 1979, (3 pages).
3. Campanacci, M., Gui, L. and Savini, R., "Godoli, The Treatment of Tiniat Plateau Fractures", Chi. Org. Mov. 72(3), December, 1975 (Italian text (pages 234-256) English translation.
4. Kyphon Surgical Technique Manual, 1999, (pages 5,6,9,16-19).
5. Kyphon Vertebral Treatment Notebook, date unknown, (9 pages).
6. Kyphon web page, www.kyphon.com, 3/13/2001, (2 pages).
7. AOM Techniques Manual, date unknown, (11 pages).

It is believed that no fees are due for the consideration of this Information Disclosure Statement. However, the Commissioner is hereby authorized to charge any fee deficiency or to credit any overpayment to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully submitted,
MAGINOT, MOORE & BECK



Michael D. Beck
Attorney for Applicants
Registration No. 34,984

September 21, 2004

Maginot, Moore & Beck
Bank One Center Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
(317) 638-2922 phone
(317) 638-2139 facsimile

FORM PTO-1449
INFORMATION DISCLOSURE STATEMENT



MMB DOCKET NO. 1842-0039

APPLICATION NO. 10/804,761

APPLICANT(S): Hochshuler et al.

FILING DATE: March 19, 2004

GROUP ART UNIT: 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA	3,030,951	04/1992	Mandarino			
	AB	3,875,595	04/1975	Froning			
	AC	4,772,287	09/1998	Ray et al.			
	AD	4,904,260	02/1990	Ray et al.			
	AE	5,047,055	9/1991	Bao et al.			
	AF	5,108,404	04/1992	Scholten et al.			
	AG	5,147,359	09/1992	Cozad et al.			
	AH	5,147,360	09/1992	Dubouset			
	AI	5,154,718	10/1992	Cozad et al.			
	AJ	5,171,280	12/1992	Baumgartner			
	AK	5,176,678	05/1993	Tsou			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL	FR 2 639 823	06/12/1988	France			Yes No
	AM	EP 0 480 954	12/06/1990	Europe			Yes No
	AN	EP 0 621 020	17/03/1994	Europe			Yes No
	AO	FR 2 714 590	07/07/1995	France			Yes No
	AP	WO 1/21246	19/09/2000	PCT			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AQ	<u>1</u>	Bradley, S. and J.C., "The Use of Methylmethacrylate in the Treatment of Giant Cell Tumors of the Proximal Tiba", Aust. N.Z. Surg. Vol. 49, No. 1, February 1979, (3 pages).
	AR	<u>1</u>	Campanacci, M., Gui, L. and Savini, R., "Godoli, The Treatment of Tinal Plateau Fractures", Chi. Org. Mov. 72(3), December, 1975 (Italian text (pages 234-256) English translation.
	AS	<u>1</u>	Kyphon Surgical Technique Manual, 1999, (pages 5,6,9,16-19).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	MMB DOCKET NO. 1842-0039	APPLICATION NO. 10/804,761
	APPLICANT(S): Hochshuler et al.	
	FILING DATE: March 19, 2004	GROUP ART UNIT: 3738

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	BA	5,176,680	01/1993	Vignaud et al.			
	BB	5,190,543	03/1993	Schlöpfer			
	BC	5,192,326	03/1993	Bao et al.			
	BD	5,147,359	09/1992	Cozad et al.			
	BE	5,147,360	09/1992	Dubousset			
	BF	5,154,718	10/1992	Cozad et al.			
	BG	5,176,678	01/1993	Tsou			
	BH	5,176,680	01/1993	Vignaud et al.			
	BI	5,190,543	03/1993	Schlöpfer			
	BJ	5,207,678	05/1993	Harms et al.			
	BK	5,261,907	11/1993	Vignaud et al.			

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	BL						Yes No
	BM						Yes No
	BN						Yes No
	BO						Yes No
	BP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	BQ	2	Kyphon Vertebral Treatment Notebook, date unknown, (9 pages).
	BR	2	Kyphon web page, www.kyphon.com , 3/13/2001, (2 pages).
	BS	2	AOM Techniques Manual, date unknown, (11 pages).

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	MMB DOCKET NO. 1842-0039	APPLICATION NO. 10/804,761
	APPLICANT(S): Hochshuler et al.	
	FILING DATE: March 19, 2004	GROUP ART UNIT: 3738

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	CA	5,261,913	11/1993	Marnay			
	CB	5,275,600	01/1994	Allard et al.			
	CC	5,282,801	02/1994	Sherman			
	CD	5,549,679	08/1996	Kuslich			
	CE	5,556,429	09/1996	Felt			
	CF	5,716,416	02/1998	Lin			
	CG	5,827,289	10/1998	Reiley et al.			
	CH	5,888,220	03/1999	Felt et al.			
	CI	5,961,554	10/1999	Janson et al.			
	CJ	6,066,154	05/2000	Reiley et al.			
	CK	6,183,518	02/2001	Ross et al.			

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	CL						Yes No
	CM						Yes No
	CN						Yes No
	CO						Yes No
	CP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	CQ	<u>3</u>	
	CR	<u>3</u>	
	CS	<u>3</u>	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	MMB DOCKET NO. 1842-0039	APPLICATION NO. 10/804,761
	APPLICANT(S): Hochshuler et al.	
	FILING DATE: March 19, 2004	GROUP ART UNIT: 3738

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	DA	6,592,625	07/2003	Cauthen			
	DB	2002/0045942	04/2002	Ham			
	DC	2002/0068974A1	06/2002	Kuslich et al.			
	DD	2002/0156531	10/2002	Felt et al.			
	DE	2003/0033017	02/2003	Lotz et al.			
	DF						
	DG						
	DH						
	DI						
	DJ						
	DK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	DL						Yes No
	DM						Yes No
	DN						Yes No
	DO						Yes No
	DP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	DQ	<u>5</u>					
	DR	<u>5</u>					
	DS	<u>5</u>					

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.